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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,393	08/20/2001	Albert James Yovichin	DN1998168US	2980

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EXAMINER

KNABLE, GEOFFREY L

ART UNIT PAPER NUMBER

1733

DATE MAILED: 12/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/831,393

Applicant(s)

YOVICHIN ET AL.

Examiner

Geoffrey L. Knable

Art Unit

1733

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 November 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ they raise the issue of new matter (see Note below);
(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

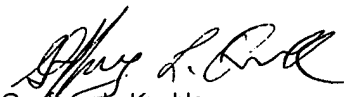
Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1,3-5 and 10.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


Geoffrey L. Knable
Primary Examiner
Art Unit: 1733

Continuation of 3. Applicant's reply has overcome the following rejection(s): the 35 USC 112, first paragraph rejection of claim 10 and the prior art rejection over Böhm (US 4,089,360) alone.

Continuation of 5. does NOT place the application in condition for allowance because: principally the reasons of record. It is first again argued that Seiberling '883 does not teach a profiled precured inner liner. This is not disputed. However, it is again noted that the primary references clearly suggest precuring the innerliner before assembly with the tire, the secondary references providing a very strong motivation to profile the liner so that it is thicker at the central areas. In other words, the secondary references evidence that the problem that when a flat built tire is shaped to toroidal form, a uniform liner must of necessity become thinner towards the crown because of the simple fact that the diameter/circumference of the material is increasing with toroidal shaping, is known. Further, these references also clearly identify a known solution to this problem (other than the simply thickening the entire liner) - namely to make the liner thicker in the central regions to counteract the thinning with shaping. To form a liner in such contoured form would therefore have been obvious for the clearly expected advantage of avoiding the thinning of the liner, this also enabling the use of less overall material since a thicker than necessary overall thickness layer need not be used. As to the arguments with respect to the curing press and plate configuration, note again that the primary references suggest precuring the inner liner (to enable bladderless cure), these curing method including "usual methods of curing" in Seiberling (note esp. col. 4, lines 16-31) and including a conventional sulfur cure in GB '031. The artisan would thus clearly have been taught or motivated to adopt well known and conventional means to cure rubber sheets, it being again submitted to be extremely well known per se in this art to use a curing press (i.e. with two adjacent press platens, etc.) to cure rubber sheets, use of such extremely well known and conventional means being obvious absent some convincing argument to the contrary. As to the platen configuration, insofar as it is considered to have been obvious to utilize a profiled liner, it is submitted that it would have been readily apparent to the artisan that the platens should be appropriately shaped to the desired shape of the liner. In other words, if one is trying to mold/cure a certain shape material, they typically would be expected to use a cure press with platens that are of the desired shape. This represents an entirely expected and entirely obvious step for the ordinary artisan and applicant has not convincingly shown to the contrary. It is also argued that Seiberling '883 does not teach or suggest providing the cured portions to be of a length equal or greater than the drum circumference. This argument is unconvincing as clearly Seiberling '883 as well GB '031 desire complete cured internal layer which would have clearly required that the liner be cured over at least the circumferential length of the drum - the alternative, i.e. leaving some part of the liner uncured clearly is inconsistent with the teachings of the references. It is also argued that Mirtain is directed to an uncured liner for use with a bladder cure. This is also not disputed. However, this reference provides clear evidence of an understanding by the artisan of a known problem in tire building - namely the fact that when a flat built tire is shaped to toroidal form, a uniform liner must of necessity become thinner towards the crown because of the simple fact that the diameter/circumference of the material is increasing with toroidal shaping (e.g. note col. 1, lines 21-27 and 40-46 of Mirtain). While it is agreed that this reference was not concerned with trying to provide a bladderless cure and thus only describes the more conventional uncured liner, it is again submitted that the ordinary artisan would have appreciated that the problem of thinning of the liner would be present regardless of whether the liner is uncured or precured and applicant has provided no convincing line of reasoning to show otherwise. In other words, the simple geometric realities of an increasing circumference when shaping from flat to toroidal form are present regardless of the cure state of the innerliner and it is considered that the artisan would have expected the solution taught by the reference (selective thickening) to also suitably provide the desired results regardless of the cure state of the liner. The Böhm reference further supports this finding insofar as it provides a liner that is in important part precured as well as contoured to avoid these same thinning problems (e.g. col. 3, lines 18+; col. 8, lines 32+). To form a liner in such contoured form would therefore have been obvious for the clearly expected advantage of avoiding the thinning of the liner, this also enabling the use of less overall material since a thicker than necessary overall thickness layer need not be used. It is also urged that Mirtain '338 teaches away from preserving the profile as it smoothes out the profile with curing. The curing referenced in Mirtain is however in reference to the final curing of the tire, not precuring of the liner. Further, this reference still clearly evidences an understanding in this art of the geometrical realities facing the artisan during the final shaping/cure of a tire and provides a solution, namely selective thickening of the liner at the central region to avoid the inevitable thinning. Although this reference also patterns the liner for air evacuation against the bladder, which pattern apparently becomes smoothed out in the final cure, this does not take away from the teachings with regard to the overall profile desired of a liner. In other words, it is considered that the artisan would have understood that the patterning teachings would be unnecessary if curing is effected without a bladder (as taught/enabled by the primary references). This however is not considered to take away from or be inconsistent with the teachings with respect to the liner contour.